IN HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 3931 OF 2001
(Old No.9074/1985)

Hanuman Singh and another. ……..…..Petitioners.

Versus

The District Judge, Pauri and others. …..…Respondents.

HON'BLE RAJESH TANDON J.

Heard Sri Mahendra Singh Pal, counsel for the appellants.

By the present Writ Petition, the petitioners have prayed for a writ of certiorari quashing the order dated 23rd March, 1985 and 28.04.1984 passed by the Prescribed Authority and the Appellate Authority.

The application was filed under Section 21 (1) (a) of the U.P. Act No. 13 of 1972.

The said application of the landlord/petitioners was rejected by the Prescribed Authority on 28.04.1984. Thereafter the appeal was preferred by the petitioner, which was also rejected by the Appellate Authority on 23.03.1985. The petitioners have approached to this court under Article 226 of the Constitution of India.

Counsel for the petitioners, Sri K.P. Upadhyay has submitted that after filing the Writ Petition, certain developments have taken place and the property has been

partitioned and now the need, therefore, has become more genuine for release of the premises in dispute.

In view of the aforesaid, since the subsequent events can not be looked into under Article 226 and 227 of the Constitution of India, liberty is given to the petitioner no. 2 to apply for filing a fresh release application under Section 21 (1) (a) of U.P. Act No. 13 of 1972 on the subsequent cause of action. If such an application is filed, the Prescribed Authority shall dispose of the same expeditiously.

Subject to the aforesaid observations, the Writ Petition is dismissed with liberty to file a fresh application under Section 21 (1) (a) of U.P. Act No. 13 of 1972. No order as to costs.

(RAJESH TANDON J.)

12.10.2004

P.S.Rathour